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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,511	08/15/2001	Ramsay Wood		9770

6858 7590 05/11/2005

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EXAMINER

RADA, ALEX P

ART UNIT PAPER NUMBER

3714

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/913,511

Applicant(s)

WOOD, RAMSAY

Examiner

Alex P. Rada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

In response to the Request for Continued Examination and amendment filed February 11, 2005 in which the applicant amends claim 1, previously canceled claims 5 and 6, and claims 1-4 and 7 are pending in this application.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification as originally filed does not disclose that, "the markings on the backs of the cards constitute a set of differentiated back designs which can be used to play a game in accordance with second rules of game play and which can not be used to play a game in accordance with the first rules of game play" and is considered new matter. The specification does not preclude that the second rules of game play cannot be used to play a game in accordance with the first rules of the game play.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Foster (US 404,782).

5. Foster discloses the following:

A pack of playing cards having a set of differentiated face designs on the playing cards, the face designs being a conventional or substantially conventional set of playing card marking, a first rules to determined a method of game play with the set of differentiated face designs, a number of backs of the playing cards posses markings that are coordinated with the face designs found on the playing cards to enable formation of another set of different from the set of differentiated face designs and the marking on the backs of the cards constitute a set of differentiated back designs which can be used to play a game in accordance with second rules of game play and which can not be used to play a game in accordance with the first rules of game play (figures 1-4, pg. 1, lines 28-47, and pg. 3, lines 7-14) as recited in claim 1.

The marking on the backs of the playing cards having an outer portion identical on each card and an inner portion coordinated with the face designs found on the playing cards (figures 1 and 3) as recited in claim 2.

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The pack having 52 (pg. 1, lines 89-95) cards and face designs (pg. 1, lines 28-34) as recited in claim 4.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foster (US 404,782) in view of Brown (US 4,050,698).

8. Foster discloses the claimed invention as discussed above except for the following:

The markings on each of the playing cards are selected indicia to be arranged in a set to of a completed poem, carton strip or a commercial product as recited in claims 3 and 7.

Brown teaches the following:

The markings on each of the playing cards are selected indicia to be arranged in the form different images (figures 1 and 2). By having indicia arranged to form selected indicia, one of ordinary skill in the art would provide a diverse deck of cards for assisting the improvement of a Childs learning skills by providing simple games of fun (summary).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention was made to modify Smith to include

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markings on each of the playing cards are selected indicia to be arranged in a set to of a completed poem, carton strip or a commercial product as taught by Brown to provide a diverse deck of cards for assisting the improvement of learning skills of a child by providing simple games of fun.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Maddox (US 1,119,183), Brambier (SU 3,159,405), Ribbe (SU 2,383,081), Sowman (US 1,558,229), and McGuire (US 1,379,871) all disclose card game having different forms of indicia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 571-272-4452. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Jessica Harrison can be reached on 571-272-4449. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Am
APR